2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

682 house to borrow sugar for the funeral feast—a request which was refused.
578 As I was the priest's guest, I could not attend the funeral; but it must have been interesting, for the murderer was one of the chief mourners—perhaps honestly so. My suggestion that he should be handed over
[692] to the Turkish authorities in Scutari for punishment was not received at all well by anyone; and it was pointed out to me that had it not
771 been the Will of God the man could not have died of only two bullets. Many men live with more in them. This curious case suggests that in earlier days the house lord may have had the power of life and death over his subjects.

MURDER OUTSIDE THE TRIBE

682 The tribe inflicts no punishment. The Turkish Government got its
698 fine if it could. Fines, in fact, being part of the Government's revenue, no effort was made to stop blood-taking by it.

The relatives of the murdered man take blood for him, of the family of the murderer if they can. An intertribal feud may become so intense that two whole tribes are "in blood." Peace can only be established by
[727] a Council of Elders of both tribes. When made, it was sometimes strengthened by marrying the daughter of one party to a man of the
[608] other. Or blood brotherhood may be sworn. The blood-gelt, fines, and the peace oath are as already described.

WOUNDING

● 683 A wound inflicted intentionally comes under the laws for blood. The house of the guilty man can be burnt and his goods can be seized (this in Dukagini), as in case of murder, if the elders examining the case think fit. He is liable to have his own blood taken by the injured man or his relatives. Blood of his son and brother may be taken (Dukagini).
[693] Con-jurors up to twenty-four may be called, but according to the nature of the injury a smaller number may suffice. The fine paid is in proportion to the wound, and is decided by the elders. The price to be paid for a death—a fatal wound—is taken as standard, and the wound reckoned as one-half, quarter, tenth, etc., of a death price. It is, in fact, payment for the amount of blood lost.

In the case of a wound given accidentally, the house is not burnt, but the wound must be paid for. A man I knew, playing with a rifle, accidentally shot a woman through the foot and, unfortunately, made her lame for life. He had to pay fifteen napoleons to her husband (for damaging his property), and had to undertake to pay a further fifteen should the woman die at any future time as a result of lameness.

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

The question as to whether a wound had really been given accidentally was, of course, a fertile source of dispute. In a land where everyone carried fire-arms there were surprisingly few accidents. 683

THEFT

Theft within the Tribe.—The procedure for trial is the same as with murder. The plaintiff appeals to the bairaktar if he has previously not been able to obtain redress by appealing to the head of the family which has robbed him. 685

A sufficient number of con-jurors must then be found before whom the accused may swear his innocence and who will swear it with him. [693]

There is a fixed number for various thefts. Eight for horse-stealing, six for cattle-, and two for sheep- or goat-stealing.

A thief found guilty has to pay twice the value of the article stolen: give two sheep for one. Half the value of the article stolen is divided between the elders who have tried the case. For anything stolen off Church land as much as ten times the value may be demanded; and in olden times I was assured that a fancy value was placed upon a stolen cock—possibly because it was held to have great power against evil spirits. If a man's only cock was stolen, it is easy to see that these might suddenly attack him when unprotected.

If the house or cattle-shed is broken into, an extra fine of about £4 has to be paid.

The number of con-jurors depends on the value of the stolen article, and may be as many as ten.

Theft from another Tribe.—As in the Highlands of Scotland of old, lifting cattle from across the border of another tribe was considered rather a sporting event than a crime. 685 721

Mountain bands who raided the environs of Scutari and carried off Turkish goods were heroes. The practice was precisely the same as that of the Chetniks of Montenegro and the Hayduks of Bosnia. This custom had been modified, and the tendency was to arrange intertribal theft by arbitration—the procedure being the same as that with theft within the tribe, except that heads of both tribes took part in them.

This was usual in Maltsia e Madhe. But in the Dukagini tribes, especially the distant ones, much cattle- and horse-theft went on between tribes who, owing to blood-feud, had not a "besa" (peace oath) with each other. When I was in Nikaj, one of the wildest of the tribes, Nikaj and Krasnichi were on the worst terms. Watch-fires twinkled at night on the Krasnichi mountains, and talk was all of horse-stealing and cattle-lifting.

7; Amery G-5 (1943-44) 1948 EG1 Albania EG1

hearths at night. We watched their unfamiliar ways, studied their starkly realist opinions, and by a hundred different arguments preached war against the Germans. Abas Kupi meanwhile worked hard to strengthen his faction, rewarding friends, corrupting enemies, and gently menacing the undecided. Above all he sought to impose a truce between the warring clans whose blood feuds threatened the unity of the Zogist cause. The *Hakmeria*, or blood feud, had its merits, for it was a great teacher of manners and of respect for the dignity of the individual. No Albanian indeed could strike another with impunity, and even schoolmasters had been known to pay with their lives for a hasty cuff in class. But the feuds took a heavy toll of life and suffering; and we met men from weak clans who had scarcely left their homes in twenty years for fear of neighbours with whom they were "in blood". Under the monarchy some attempt had been made to suppress the feuds; and they had begun to decline before the growing power of the Central Government. With the collapse, however, of Italian rule the mountaineers had returned to their ancient anarchy, and now blood feuds flourished on every side. As foreigners we stood in no danger from them, but they were none the less an important factor in our daily life. A guide would take us several hours out of our way to avoid crossing the territory of a clan with which he was "in blood"; chieftains would suddenly postpone a meeting, alarmed by rumours that their enemies were lying in wait; and sometimes at tribal gatherings we would see a man pass the coffee cup to his neighbour under his knee — the supreme mark of contempt for the man who had not even tried to avenge a wrong.

The persistence of the blood feuds presented Abas Kupi with a serious problem, for every time a clan was won to his cause their blood enemies would side automatically with his rivals. He therefore laboured patiently to reconcile the contending parties, and in accordance with the Law of Lek invited them to submit their feuds to his arbitration. There was, moreover, an ancient tradition that a general truce, or *besa*, might be proclaimed like the medieval "Truce of God" if a region was

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

If a dog was unusually fierce, it might be tied up early and loosed late. If a locality was dangerous or if the dog's master was at feud with someone, the dog might be loosed precisely at sundown and left free till exactly sunrise. As a result of the latter proviso a stranger who reached a village about sunset must ask immediately in the interest of his own safety whether his intended host is at feud with anyone. If he were, he called to his host from a safe distance —the fiercest dog did not stir unprovoked beyond the outskirts of its own farmyard. There followed an exchange of conventional questions and answers, designed to convince the host that the stranger came as a friend and not as an enemy. When convinced, the host bade the stranger stay where he was and forbade him to speak—this in case the dog charged in the direction of the voice. He then tied up the dog while some of his womenfolk went to inspect the stranger, and if satisfied that he was harmless, to bring him to the house.

When a house dog attacked a stranger the law considered three positions: (*a*) when the dog only threatened to bite, (*b*) when it succeeded in biting and (*c*) when it killed. In all three positions there was discrimination between attack by day and attack by night.

If during the daytime a house dog threatened to bite a stranger, the latter might kill it without incurring a penalty. The day was his time not the dog's, and he was in the right and the dog in the wrong. To attack him it must have broken its chain or pulled up the stake to which it had been tied. Its master too was at fault for not having observed that its chain and stake were insecure. Exceptionally in Martanesh the stranger was fined 100 grosh.

If again during the daytime a house dog succeeded in biting a stranger its master must indemnify the stranger, and that irrespective of whether the dog had been killed or not. In Dibër he escaped by paying the blood money due for wounding a man. In the more picturesque north he must keep the wounded man in his house free of charge until he recovered, pay any doctor's bills that might be incurred and pay the wounded man what he would have earned if well. The northerners were so poor that they found such expenses a heavy burden. In consequence they tested a dog's chain and stake from time to time and sent their womenfolk to escort a stranger to and from the house; they could not perform this task themselves because they did not enjoy a woman's immunity from attack by a lurking enemy. A poor man, desperate

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

as he saw his dog about to bite, might even shoot the animal, regarding its loss as the lesser evil. Occasionally a man sought to disclaim responsibility, shouting that he was not a chain-making gypsy and only bought, and did not make, the faulty chain. The stranger would retort that he was not dog's meat. Then revolvers might be drawn and a blood feud begun. More probably the dog's owner sullenly invited the wounded man to partake of the hospitality demanded by the law.

If a house dog killed a stranger during the daytime, it was in most places as if its master had killed him and a blood feud sprang up between the two families. In Dibër, however, the payment of full blood money generally satisfied the bereaved family.

During the night the law was entirely on the side of the house dog and its master. No matter how the animal might threaten a stranger he might not kill it. If he did so, he must pay blood money or have a feud with its master, exactly as if it was the latter he had killed. The Kanùn says clearly that 'at night a dog is equivalent to a man'. Indeed, in some places such as Çermenikë the animal was thought more important and its murder by night was more serious. If a house dog succeeded in biting a stranger at night, the latter got nothing from its master—neither hospitality and doctor's fees nor indemnity for wages lost. From his neighbours he got mockery—'Fancy letting yourself be bitten by a dog. You're a fine man.' Even if a house dog killed a stranger at night there was no compensation, the death went unavenged. Once upon a time, in Lurë, a daughter-in-law of Demir Lleshi went out at night into her own farmyard. A neighbour's dog sprang on her and killed her, but since it was night time, the dog's time, her blood was lost. It was immaterial that the dog was trespassing and that she was on her own ground.

There was only one exception to these rules. If a house stood near a main road an aggressive dog might be killed during the night without penalty. A higher law stated that 'it is not right to cut a main road with a dog'. In the far north bajraktars and elders had been known to order fierce dogs near a main road to be kept chained at night as well as during the day.

The blood money which was payable on killing a house dog at night was generally the same as would be payable if a man had been killed. The blood money for a bitch was the same as for a dog; there was no discrimination between the sexes as there was in the

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

231 685 672

other hand, he had shot the dog in the back he must have killed it out of spite.

Whereas house dogs remained at home and were chained up for half their lives, sheep dogs were normally free both day and night and divided their time between the mountain-side and the sheep-fold. Their function was to protect the flock from thieves and wolves. If these approached, they must bark a timely warning so as to bring the shepherds with their rifles and they must themselves attack the marauders. They must therefore be alert, courageous and fierce, true 'Molossian hounds'. In districts infested by wolves they wore iron collars set with iron spikes to prevent the wolf from tearing open their throat. In common with other sheep dogs in the Near and Middle East they did not handle the flock. That was led, or occasionally driven, by the shepherd unaided.

As fierceness was their most important asset, sheep dogs were given the same harsh upbringing as house dogs. Indeed, they were generally removed at a still earlier age from their mother so that they should not know even her caresses for long. But they were gentle enough with their flocks, from which they never parted. As puppies they were fed on ewe's or goat's milk—hence, said the peasants of Shpat, their later friendliness with the animals they guarded. In adult life they were fed on maize bread roughly baked in indigestible looking balls by the shepherds. Nevertheless, their strength and the sleekness of their coats showed that the diet was sufficient.

231 685 628 683

The law of the sheep dog varied from place to place according to the animal's position in the local economy. In the north, where men depended almost entirely on their flocks, the sheep dog was of paramount importance as the guardian of its master's whole livelihood and was protected by the law to the utmost. In areas such as Kurbin, where men combined agriculture with sheep-breeding, the sheep dog was of less importance to its master and some relaxation appears in the law. In fertile areas like Lumë or Krasniqë, where agriculture predominated, the sheep dog was still less important and the law less drastic. So in the north it was more serious to kill a sheep dog than a house dog and elsewhere the position was reversed.

Among the mountains of the north the law of the sheep dog was the same by day and by night. A passer-by might be bitten at any hour of the day or night, but if he killed the dog he would be killed

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

by its master. No excuse for his crime could be tolerated. He might have lost his way or be a stranger (and so a guest to be protected). No matter! The mountain was the dog's ground day and night. Why had he gone near the sheep? Was it to steal one? There was no road through the flock. He should have stuck to the highway which was inalienably his, day and night. If he were killed by the dog, his family had no right to claim blood money or to start a feud; his 'blood was lost'. In Dibër the same harsh laws prevailed. In the partly pastoral, partly agricultural area of Kurbin a man who killed a sheep dog generally escaped with the payment of blood money; his life was not necessarily forfeit. In Martanesh, where the economy was similar, a man who killed a sheep dog in terror of his life and proved his motive was fined 100 grosh, the amount payable for a house dog in the same circumstances.

In the adjacent Çermenikë he was not even fined. In fertile Lumë the law was that 'a man can't lose his life for a dog', and on that theory a traveller on the mountain might kill a sheep dog which had refused to let him pass. For penalty he needed only to go to the dog's master and beg his pardon. He was generally afraid to go alone—the dog's master might suspect that he had killed the dog from spite and might be in an evil temper as a result. So he generally asked others to accompany him. These confessed his crime and asked for pardon. It was never refused. If he had killed a house dog during the daytime in this district, he would have had to pay blood money as for a murdered man, or would have been killed. On the rich plateau of Krasniqë sheep-rearing is relatively so unimportant that sheep dogs come under the same rules as house dogs. If, for instance, one bites a stranger on the mountain its master must pay for the wound.

Even in the gentler areas the spiteful or senseless killing of a sheep dog may start a blood feud. An extreme case occurred 'long ago' in Lumë. The sheep belonging to the Onuzi sept were sleeping in a mountain fold near the fold of the Doçi sept. The dogs began to fight among themselves and the Doçi shepherd killed an Onuzi dog. The Onuzi shepherd drew his revolver and shot the Doçi man dead. A general fight then started among the shepherds and in a few minutes six Onuzi and twelve Doçi men lay dead for the sake of a dog. The feud raged on for years, not ceasing until it was at last composed by direct order of the reigning Sultan.

Successive generations of travellers evolved practical expedients

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

for dealing with sheep dogs. The first was to 'let sleeping dogs lie'. If a traveller were so unfortunate as to find one in his path and there was no shepherd in sight to call it in, he swerved aside, keeping well to leeward in the hope that neither sound nor scent of his presence would reach the dog. If a dog charged, the traveller might follow the example of Ulysses on his return home and sit down. The dog would probably sit down too and immobilize him until the shepherd's arrival, but it was not likely to charge again. This expedient was more favoured in central than in northern Albania. There the traveller preferred to climb a tree in the hope that the flock would soon pass, so releasing him. The dog was not really interested in him and went on with the flock. It has happened when, a flock was large and grazing, that a man has had to stay half a day up a tree, with several dogs barking under his feet; for it was customary in north Albania to leave a grazing flock in sole charge of the sheep dog for many hours. For that reason, as soon as a traveller heard sheep bells—and in that country of long narrow valleys enclosed by lofty mountains he might hear them half an hour away—he called out. If no answering shout came, he knew that there was no shepherd with the flock and laid his plans accordingly. As far south as Shpat fear of a sheep dog might send a traveller up a tree, but there rescue came swiftly because shepherds were forbidden to leave their flocks for long. Tracks in Shpat were too many and travellers too numerous to allow of lengthy hold-ups by sheep dogs. With the same motive of protecting travellers, shepherds in the few treeless areas of north Albania were required to remain with their flocks.

If, however, a flock was grazing near a main road, the sheep dog came under the law already enunciated that 'it is not right to cut a main road with a dog'. Day and night, when near such a road, the sheep dog must be kept under control by means of the shepherd's voice or a chain, preferably the latter as being surer. A traveller who found a sheep dog loose on such a road and received no answer to his call from the shepherd was entitled to kill the dog and did not have to compensate its master.

Shooting dogs had the run of the house and kitchen as well as the farmyard and were never tied up. Born gentle, they were well enough treated by their masters to remain so throughout their lives. They were not found in every house but only with the leisured or the lazy.

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

231 A stranger who was bitten by a shooting dog could neither kill it
683 nor claim compensation for his wound. Indeed, he became a public butt for being feckless enough to let himself be bitten by so tame an animal.

234 If a stranger killed a shooting dog by mischance, he must
685 compensate the master in money—two napoleons were thought adequate in most places. Alternatively, he must give him another dog as good as the one he had killed. The hour of the crime was immaterial.

224 If a shooting dog was killed from motives of spite, a feud
628 followed as in the case of house and sheep dogs.

If a shooting dog put up a hare, only its master had the right to take the hare. It might be that the chase was long and that the hare was shot by a stranger before the dog's master caught it up. In that case the latter demanded the hare and offered the stranger a fresh cartridge in return for the one he had just expended. If the offer was refused a blood feud started, the first shot being fired by the stranger.

If two men went shooting with only one dog, they skinned the hares at the end of the day and divided them equally.

231 Pet dogs, like shooting dogs, were free of the house as well as the farmyard and ran loose day and night. Of indeterminate pedigree, they were about the size of small Aberdeens. They were not common in northern Albania, where their only purpose was to divert their master—it was thought great fun to hang a lighted cigarette round their necks. In central Albania where the average flock was small and always had a shepherd, they were much prized as watchdogs. They never failed at either house or sheepfold to bark warningly when unwelcome visitors approached. They were so brave that at sheepfolds they could dash out and tackle a marauding wolf, invariably losing their life in the unequal combat. On account of their usefulness their value was high, as much as six or seven napoleons.

The law when they killed (a virtually impossible contingency) or were killed was the same as it was for shooting dogs.

231 A few isolated rules remain to be mentioned. Clerics such as
793 priests among Catholics or Orthodox or hoxhas and sheikhs among Mohammedans were forbidden to keep house dogs. Their houses must be open day and night to their parishioners or passing strangers and might not be closed by dogs. If they kept sheep dogs

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

685 formula then applied was 'The beast or an oath'. Each house had
694 to make oath separately that it did not harbour the stolen property. The same routine was followed when the tracks stopped between two villages, the villages as a whole having to take oath.

The tracks of an animal might be destroyed by the thief, or the property stolen might not be an animal at all. In such cases, the owner had to rely on information supplied by third parties, and this was seldom lacking in small communities where there were few secrets. If the whereabouts of the stolen property was discovered, the suspected thief might admit the crime, and if so, the owner and he might settle about repayment themselves, or leave it
685 to the elders to do so. If the suspect denied the theft, the owner
695 informed the village headman of his loss and of the identity of the suspected thief, and the latter called an Assembly to which he summoned owner and suspect. A suspect who did not appear was declared guilty and ordered to pay for the stolen goods. If the suspect came, the owner was given the choice between ordeal by oath and trial on the evidence of an eye-witness, and the proceedings then took the ordinary form.

The convicted thief had first of all to make restitution in accordance with the 'twofold' or 'two-for-one' rule, which exacted twice the value of the stolen goods in kind or money. In Mirditë, when animals were given in restitution, their selection was left to the thief, and, to quote from Father Gjeçov, 'it sufficed if they could walk on their feet'. In Martanesh a committee of two or three was appointed by the thief to make the choice, and this committee had to be accepted by the owner. In addition to restitution, a penalty might be imposed, either in the form of a fine or by ordering an extra number of compurgators if the oath was to be taken. The amount of the fine was largely fixed by tradition though the elders might vary it according to extenuating or aggravating circumstances.

There were various generally recognized kinds of aggravating circumstances. For instance, if a thief lost, spoiled, or ate what he had taken, the penalties were often heavy. In Martanesh and adjoining districts a loser could put any value he liked on a stolen
● [683] article that had been destroyed. In Zerqan, it was regarded as a disgrace to the owner of a stolen sheep if it was eaten by the thief on the mountain. Punishment then was not only for the theft, but for the injury to the honour of the victim.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

Another aggravated form of theft was that which took place on the public highway. There was a rule that 'the public highway must not be cut'. If a robber stole a wayfarer's horse, mule, donkey or sheep, shooting inevitably took place; if the thief survived, he had to return the animal, and to pay whatever the Village Assembly decreed. A man very often turned highwayman because he thought his victim was in his debt. If this belief turned out to be mistaken, he had to pay a fine for cutting the highway, besides returning the stolen animal and compensating the owner for the loss of its services. When a sheep had been taken, and was not returned at once, the thief might even be expelled from the village with all his family.

Robbery of a Catholic church was sacrilege and a very serious view was taken of it. The thief was shot by the tribe and could not be avenged. His family was expelled and his nearest relatives bought his land, the price going to the church. Stealing from the priest's house or from church lands was still sacrilege, but not so severely punished. In addition to returning two-for-one, the thief had to pay a fine for violating the sanctuary of the house or lands and another to the community for the threat to it. In Mirditë the same penalties were imposed if the theft occurred elsewhere but the booty was hidden in the church.

Thefts from Orthodox churches and Moslem shrines were also regarded as sacrilege, but not thefts from the houses of Orthodox priests or Moslem clerics, as they were usually at some distance from the places of worship and no sanctity attached to them.

Breaking into any house in order to steal was regarded as a very serious crime, for it brought dishonour as well as material loss to the householder. Opening the farmyard gate or the house door, without giving due warning and being invited to enter, was regarded as housebreaking and punished as such. In Krasniqë, the fine for burgling a house was four times that for burgling a sheepfold. Stealing out on the lonely mountain was regarded as still less heinous, and only one article had to be given in restitution; nor was any fine imposed.

A man might be dishonoured by other forms of theft than that of housebreaking. In the Malësi e Madhe, a fine of 500 grosh was imposed on the man who helped himself to another's tobacco box or cigarette, and a mere touch on another's pocket might bring a fine. A story is told of a man who was shot at a General

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

Assembly by his neighbour from whose tobacco box he had inadvertently rolled a cigarette. In every tribe and village, a man's honour was so stained by the theft of his gun or his wife that he had to shoot the thief and take the consequences of the ensuing blood feud.

The penalties imposed depended also on the nature of the articles stolen. North Albania was predominantly pastoral and, as the safety of the flock of sheep depended on the bell-animal, penalties for stealing this animal were heavy.[1] In Lumë the owner could demand six or seven sheep for the thief: 'as well steal the whole flock as its leader.' In Perlat stealing a bell-wether was such a disgraceful act that in the blood feud against the thief's family, even a woman could be killed. The bell of the leading animal was even more precious than the animal itself, and in Perlat, if it were stolen, it had to be returned and a sheep with it. In Labinot, the bell was thought too unlucky to be hung round an animal's neck again, and instead of returning it, the thief had to pay twice its value or be shot. In Mirditë a fine of 500 grosh was imposed for the dishonour done to the owner.

The two-for-one rule was applied to thefts of all farm animals, with the exception of pigs and cocks. The man who stole a pig had to pay 500 grosh in hard cash. This sum was often ten times the value of the animal, but the pig was the mainstay of the poor man and required special protection. The same sum of 500 grosh had to be paid for a cock, as 'the cock is the poor man's watch'. It was said that in Krasniqë an actual watch had to be paid instead of the money penalty.

Firewood was usually collected by women, and when they stole it their husbands were held responsible. It was common practice to seize the axe with which the thief cut the wood and the rope with which she slung it on her back. These articles were sometimes used as visible evidence of her guilt, sometimes retained as compensation, or as a guarantee for the payment of the penalty, or of the fee due to the elder who dealt with the case. Women might steal other things than firewood, and responsibility was always placed on the husband. It is recorded that, during the reign of King Zog, men might even be imprisoned for their wives' thefts. It was they who had to take the oath if an oath was required. The woman did not, however, get off scot free. In most areas she was

[1] Vide supra, p. 173.